

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
333 Queen Street
Honolulu, Hawaii 96813

May 9, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

RECOMMEND THE BOARD APPROVE THE REISSUANCE OF COMMERCIAL USE PERMITS FOR COMMERCIAL VESSEL ACTIVITIES TAKING PLACE ON KAA NAPALI BEACH AND NEAR SHORE WATERS TO THE APPLICANTS LISTED IN EXHIBIT A. AUTHORIZE THE CHAIRPERSON TO APPROVE EACH COMMERCIAL USE PERMIT ONCE APPROVED AS TO FORM BY THE ATTORNEY GENERAL'S OFFICE.

REMARKS:

Section 13-251-76, Hawaii Administrative Rules (HAR), requires all persons engaged in commercial activities of any kind in or on Kaanapali ocean waters and beach to hold a written permit from the Board or its authorized representative to engage in such activities. Applications for the reissuance of commercial use permits have been received and are noted on the attached Exhibit A. The Division of Boating and Ocean Recreation proposes that commercial use permits be issued as shown on Exhibit A, which may include an attached addendum allowing an appropriate activity on Kaanapali Beach that is integral to the commercial activity in the ocean waters.

Parasailing & Thrill Craft Commercial Use Permits
Act 258, Session Laws of 1996, amended the Hawaii Revised Statutes, Section 200-37, to allow commercial use permits issued for thrill craft and parasail activities to be valid for five years from the date of issuance with the ability to be renewed by the Department for additional five year periods, not to exceed a maximum of twenty years. Act 258 took effect on June 18, 1996. Thrill craft and parasail permits that were validly issued as of the effective date of the Act (and where the permit holder met specified requirements) were extended to conform with the Act. The duration of each parasailing and thrill craft permit shown

on Exhibit A would be based upon the number of years remaining in the current five-year permit period. Authority to load and unload passengers at Kaanapali Beach would be provided in an addendum to the commercial use permit, which would have a duration of no more than one year.

Monohull Operators Shuttling Passengers to Other Commercial Operators

HAR section 13-251-76 (g), allows up to five commercial monohull vessels to engage in shuttling passengers from Kaanapali Beach to and from their vessels and the vessels of other commercial operators in the ocean waters. This activity at Kaanapali Beach would be authorized by an addendum to the commercial use permit. This addendum would have a duration of no more than one year.

Catamarans

HAR section 13-251-58 and section 13-251-76 allow catamarans to load and unload passengers at Kaanapali Beach with a written permit. Authority to load and unload passengers at Kaanapali Beach would be provided in an addendum to the commercial use permit, both of which would have a duration of no more than one year.

Other Commercial Use Permits

All other commercial use permits would be issued for no more than one year. These permits may have an attached addendum authorizing the loading and unloading of passengers or entry into the ocean waters at Kaanapali beach (whichever is appropriate), which would have a duration of no more than one year.

No Setting Up or Storing of Equipment on Beach

Currently, the parasail and thrill craft operators set up an umbrella and beach chair on Kaanapali Beach for the purpose of greeting their customers. There are several surf schools that store their equipment on the beach during the day. Hotel operators have been allowed to preset cabanas, chairs and umbrellas on the beach during the day. Due to the amount of commercial activities occurring on Kaanapali Beach and in order to not impede the public's use of the beach, these activities on the beach should not be allowed.

RECOMMENDATIONS:

That the Board:

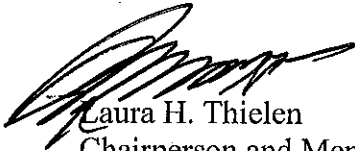
1. Approve the reissuance of the commercial use permits, in conformance with the above discussion, for Kaanapali ocean waters and beach, as shown in EXHIBIT A.
2. Authorize the Chairperson to approve each commercial use permit shown in EXHIBIT A, after the Attorney General's office has reviewed and approved the form of the commercial use permit (including the addendum) to be used .

Respectfully submitted,

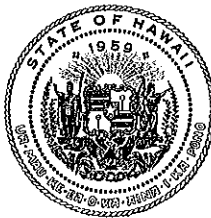
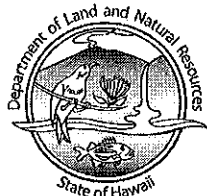


Edward R. Underwood
Administrator

APPROVED FOR SUBMITTAL



Laura H. Thielen
Chairperson and Member



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF BOATING AND OCEAN RECREATION
333 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813

Kaanapali Commercial Use Permits

Company	Type of Permit	Permit #	Activity
Absolute Charters, Inc.	Monohull	(M-01)	Fishing
Alihilani Yacht Charters	Monohull	(M-02)	Sailing
Crystal Seahorse Ltd.	Catamaran	(C-01)	Sailing
Diver Dan's Charters	Monohull	(M-03)	Fishing
Diver Dans Specialty	Monohull	(M-04)	Fishing
Fun Charters	Catamaran	(C-02)	Sailing
Green Water Inc.	Catamaran	(C-03)	Sailing
Hawaiian Island Watercraft Rentals, INC.	Monohull	(S-01)	Water Ski
Island Scuba Inc.	Monohull	(K-01)	Water sports equip.
KBTS Inc.	Parasail	(P-01)	Greg Vanderlan
KMBS Inc.	Parasail	(P-02)	Greg Vanderlan
Lahaina Water Ski, Inc.	Water sledding	(S-02)	Greg Vanderlan
UFO Chuting,	Parasail	(P-05)	Greg Vanderlan
Kaanapali Kai Charters	Catamaran	(C-03, C-08)	Sailing
Kaanapali Kai Charters Inc.	Catamaran	(C04)	Sailing
Kaanapali Kai Charters Inc.	Catamaran	(C-06)	Sailing
Kaanapali Beach Water Craft Rentals Inc.	Shuttle	(T-01)	Thrill craft rentals
Kaanapali Queen Inc.	Catamaran	(C-05)	Sailing
Kapalua Kai Sailing Inc.	Catamaran	(C-07)	Sailing
Kellam Bros. Inc.,	Monohull	(M-05)	Shuttle
Lahaina Parasail Inc.	Parasail	(P-03)	Scott Mercier
Parasail Kaanapali Inc.	Parasail	(P-04)	Scott Mercier
West Maui Parasail Inc.	Parasail	(P-06)	Scott Mercier
Maui Boat Co.	Catamaran	(C-08)	Sailing
Maui Navigation	Catamaran	(C-09)	Sailing
Maui Ocean Activities, Inc.	Trampoline	(WT-02) (TR-01)	
Pacific Jet Sports, Inc.	Thrill craft rentals	(T-03)	Jet Ski
Pacific Jet Sport	Thrill craft rentals	(T-01)	Jet Ski
Pacific Jet Sport	Thrill craft rentals	(T-02)	Jet Ski
Sailing Shipp's Ltd.	Catamaran	(C-10)	Sailing
West Maui Sailing School,	Hobie Cats	(W-06)	Sailing